

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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UNITED STATES OF AMERICA,	.	Case No. 1:09-cr-030-2
	.	
Plaintiff,	.	
	.	Sentencing
- v -	.	
	.	Monday, September 14, 2009
WILLIAM ROEHM,	.	10:27 AM
	.	
Defendant.	.	Cincinnati, Ohio
.	

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EXCERPT OF TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MICHAEL R. BARRETT

For the Plaintiff:	TIMOTHY D. OAKLEY, ESQ. Assistant U.S. Attorney United States Attorney's Office 221 East Fourth Street, Suite 400 Cincinnati, Ohio 45202
For the Defendant:	JAMES F. BOGEN, ESQ. 229 East Court Street Suite 2 Cincinnati, Ohio 45202
Also present:	John Cole, Probation Officer Russ Whitley
Courtroom Deputy:	Barbara A. Crum
Court Reporter:	Luke T. Lavin, RDR, CRR Potter Stewart U.S. Courthouse 100 East Fifth Street Cincinnati, Ohio 45202

P R O C E E D I N G S

(In open court at 10:27 AM.)

* * *

THE COURT: Okay. Mr. Bogen, if you don't have any objection, now may be the time for the owner to speak.

MR. BOGEN: No objection.

THE COURT: Mr. Oakley, do you mind if he uses your podium?

MR. OAKLEY: No, Your Honor. That's where I was going to put him.

THE COURT: Okay.

Sir, can you come up, please. If you could stand close to the microphone, give us your full name and spell your last name.

MR. WHITLEY: Good morning, Your Honorable Barrett. My name is Russ Whitley, W-h-i-t-l-e-y.

THE COURT: Okay. Mr. Whitley, tell me what you have on your mind.

MR. WHITLEY: I am a federal firearms licensed dealer, and I have a list of the damage here and any articles that was stolen out of my building. The total is over \$30,000. I had no insurance because I had a small break-in a year before, and I went ahead and installed steel bars around all the windows and the doors, and I had a backup battery security system.

This particular night on February the 12th, the electric

1 was out in Bethel again from a storm. I had a backup satellite
2 in case this happened. Well, that particular night the Russian
3 satellite and the American satellite crashed in outer space.
4 We had no security from 2:30 to 5:30 in the morning, and that's
5 when this break-in occurred, sometime along between 2:30 and
6 5:30 in the morning.

7 THE COURT: Did you know either of these guys: Mr.
8 Roehm or Mr. Freeman?

9 MR. WHITLEY: Yes. I'd seen them around; I knew them.

10 THE COURT: Okay.

11 MR. WHITLEY: And I'd like to maybe take a minute
12 here, Your Honorable, and ask you a question. I know you're
13 busy and the Court's very busy.

14 I have no insurance to recuperate any of this, and this was
15 my pension that I had from the marine corps and retiring from
16 the steel mill that I had invested in this. So that's my loss.
17 But if I could have a minute here. I know you're busy, Your
18 Honorable.

19 When I was in the marine corps over in Vietnam, there was
20 an honorable judge out of Michigan that sent me 28 men who was
21 facing hard time or prison. And I had my doubts about them,
22 but after I received them and went through their training, they
23 performed very good and I became friends with them after that.
24 Of course, we lost four of them.

25 Is there any way possible that these men could be -- have

1 the choice of either serving time or going to service?

2 THE COURT: Based upon the guidelines that are in
3 front of them, I doubt if that's possible.

4 MR. WHITLEY: Okay. I just thought that might be a
5 good way to --

6 THE COURT: Do me a favor. Will you sort of outline
7 the \$30,000 for me. Do you have a --

8 MR. WHITLEY: I have the list here, yes, sir.

9 THE COURT: Barb, do you want to grab that real fast.

10 (Courtroom deputy complies with request.)

11 THE COURT: Mr. Bogen and Mr. Oakley, do either of you
12 guys need to see this list? I'll make you a copy.

13 MR. OAKLEY: If we can have a copy, and I would cross-
14 reference with ATF to make sure that, if we get the guns back,
15 that we do have -- we did recover, I'd say, eight or nine of
16 the weapons during the investigation.

17 THE COURT: Okay. I think that would require some
18 kind of a setoff.

19 Are you still in operation? Are you still open, Mr.
20 Whitley?

21 MR. WHITLEY: Yes, sir.

22 THE COURT: Okay. Do you know which weapons the
23 government has, by any chance?

24 MR. WHITLEY: One of the ATF agents called me and left
25 me a list. But there was more coming in, and I think they

1 recovered one in Columbus recently.

2 THE COURT: Okay. Yeah.

3 Actually, I mean, to be completely honest with you, I'm
4 more concerned about this in terms of Mr. Freeman than I am Mr.
5 Roehm. Mr. Roehm didn't actually break in. He just --

6 MR. WHITLEY: Yes, sir.

7 THE COURT: He got involved later on.

8 Okay. Barb, can you make copies of this?

9 COURTROOM DEPUTY: Sure.

10 THE COURT: Okay. Is there anything else you'd like
11 to say at this time?

12 MR. WHITLEY: No, sir. Thank you for letting me
13 speak, Your Honor.

14 THE COURT: Okay. It's my understanding you cannot be
15 back this afternoon for Mr. Freeman's sentencing. Is that
16 right?

17 MR. WHITLEY: That's right. I have to take my mom to
18 a doctor's appointment.

19 THE COURT: Okay.

20 Luke, are you able to type this up over the lunch break or
21 something?

22 THE REPORTER: Yes, sir.

23 THE COURT: All right.

24 Thank you, sir.

25 MR. WHITLEY: Thank you, sir. Have a good day.

1 (End of requested excerpt.)

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4 C E R T I F I C A T E

5 I, Luke T. Lavin, RDR, CRR, the undersigned, certify
6 that the foregoing is a correct transcript from the record of
7 proceedings in the above-entitled matter.

8
9 s/Luke T. Lavin
10 Luke T. Lavin, RDR, CRR
11 Official Court Reporter
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